
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHN MARK WHATLEY,

Plaintiff,

versus

RUSTY BATES, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:05-CV-715

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff John Mark Whatley, a former prisoner, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Rusty Bates, Mitch Woods, Carl R. Griffin, Jr., and Dr. Rizilio Reyes.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Sherman, Texas, this 15th day of August, 2007.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE